

130^D-122

A/W

#21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : THE COMMISSIONER IS AUTHORIZED
Edwin SOUTHERN : TO CHARGE ANY DEFICIENCY IN THE
Serial No. 08/230,012 : FEE FOR THIS PAPER TO DEPOSIT
: ACCOUNT NO. 23-0975.
: Attn: Application
: Processing Division
Filed April 19, 1994 : Special Processing and
: Correspondence Branch
ANALYSING POLYNUCLEOTIDE : Docket No. 263-PP/IR/7644 US
SEQUENCES

PETITION UNDER 37 CFR 1.181

Honorable Commissioner of Patents and Trademarks,
Washington, D.C.

RECEIVED

AUG 2 1994

SPECIAL PROGRAM
EXAMINATION UNIT

Sir:

Applicants petition to withdraw the Notice of Improper
FWC Filing Under 37 CFR 1.62 dated June 1, 1994.

The Notice states that the FWC was filed after the
prior application was abandoned or proceedings terminated.
However, this is clearly not the case as can be seen from the
attached reply to the Notice of Improper FWC, filed concurrently
herewith.

Thus, it is clear that a three month extension of time
was obtained to extend the deadline for response to the Final
Rejection of October 19, 1993 and the April 19, 1994 filing of
the FWC was within the pendency of the parent application.

It is respectfully requested that the accompanying
\$130.00 PTO fee for this petition be refunded to the deposit
account of undersigned, 23-0975.

Respectfully submitted,

Edwin SOUTHERN

TE18036 09/26/94 08230012

23-0975 180 122 130.00CR

By Matthew Jacob
Matthew Jacob
Registration No. 25,154
Attorney for Applicant

MJ/acr 040 184 06/27/94 08230012
Washington, D.C.
Telephone (202) 371-8850
June 14, 1994

1 122

130.00 CR OK Refund

1/13084

130¹⁰- 587

A/W

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : THE COMMISSIONER IS AUTHORIZED
Edwin SOUTHERN : TO CHARGE ANY DEFICIENCY IN THE
Serial No. 08/230,012 : FEE FOR THIS PAPER TO DEPOSIT
 : ACCOUNT NO. 23-0975
 : **Attn: Application**
 : **Processing Division**
Filed April 19, 1994 : **Special Processing and**
 : **Correspondence Branch**
ANALYSING POLYNUCLEOTIDE : Docket No. 263-PP/IR/7644 US
SEQUENCES

REPLY TO NOTICE OF IMPROPER FWC UNDER 37 CFR 1.62
(NO FILING DATE GRANTED)

Honorable Commissioner of Patents and Trademarks,
Washington, D.C.

Sir:

In reply to the Notice of Improper FWC on the ground that the FWC was not filed before abandonment or termination of proceedings in the parent application, it should be pointed out that this is not the case.

In this regard, the present FWC was filed on April 19, 1994.

The parent application received the Final Rejection dated October 19, 1993 and a response with a petition for two month extension of time was filed on March 3, 1994.

The FWC was filed concurrently with a petition for extension of time for a third month and express abandonment, copy enclosed with postcard receipt as proof of filing.

Accordingly, the parent application was extended for a total of three months from the January 19, 1994 deadline and the FWC was filed within the pendency of the parent application.

Submitted herewith is a copy of the Notice of Improper
FWC and the \$130.00 PTO fee required by 37 CFR 1.121(n), as well
as a petition in support of the above facts.

Respectfully submitted,

Edwin SOUTHERN

By *Matthew Jacob*
Matthew Jacob
Registration No. 25,154
Attorney for Applicant

MJ/acr
Washington, D.C.
Telephone (202) 371-8850
June 14, 1994



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
06/230,012	04/19/94	SOUTHERN	E 263PPIR76440

0381/0601

WENDEROTH, LIND & PONACK
SOUTHERN BLDG., STE 700
805 15TH ST. NW
WASHINGTON, DC 20005

0000

NOTICE OF IMPROPER FWC FILING UNDER 37 CFR 1.62 06/01/94
NO FILING DATE GRANTED

The above identified application was deposited under 37 CFR 1.62 as a file wrapper continuing application but is improper and has not been granted a filing date for reasons shown below:

- _____ 1. The application does not include the correct application number including filing date or series code of the prior application.
- _____ 2. The application, which is not a continuation-in-part, was not filed by the same or less than all the inventors named in the prior application and no petition for correction of inventorship was filed.
- _____ 3. The application, which is a continuation-in-part, does not identify the names of all the inventors (37 CFR 1.41(a)). The application uses "et al" but only one inventor was named in the prior application.
- _____ 4. The filing date included a new specification or a copy of a specification from the prior application. See 37 CFR 1.62(e). A petition with the \$_____ fee set forth in 37 CFR 1.17(i)(1) with instructions to cancel the copy or specification may be filed if a filing date as of the receipt date noted above is desired.
- _____ 5. The request does not include an original signature of the inventor(s), assignee of the entire interest, or registered attorney or agent.
- ✓ _____ 6. The application was not filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application:
 - _____ a) The issue fee was paid on the prior application on _____.
 - ✓ _____ b) The prior application was abandoned, or proceedings terminated on _____.
 - _____ c) The prior application was abandoned by the filing of application number _____ on _____, under 37 CFR 1.62.
- _____ 7. Other:

The filing date will be the date of receipt of the items required above unless otherwise indicated, provided the items are filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application. Any assertions that the items required above were submitted or are not necessary for a filing date must be by a petition directed to the attention of the Office of the Assistant Commissioner for Patents. Any such petition must be accompanied by the \$ 120 fee (37CFR 1.17(h)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

All of the above noted items and/or any petition must be submitted within **TWO MONTHS** of the date of this notice (37 CFR 1.81(f)) or the application will be returned upon request or abandoned and the fee, if submitted, will be refunded less the \$ 120 handling fee (37 CFR 1.21(n)). **THIS TIME LIMIT MAY NOT BE EXTENDED PURSUANT TO 37 CFR 1.136.**

Direct the response and any questions about this notice to, Attention: Application Processing Division, Special Processing and Correspondence Branch.

A copy of this notice MUST be returned with the response.

[Signature]
Application Processing Division

(703) 308-1202
FORM PTOL-457 (REV. 12-82)

PART 3 — COPY TO BE RETURNED WITH RESPONSE